

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON RAISED
BILL NO 890, AN ACT CONCERNING TELECOMMUTING.**

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The Freedom of Information Commission would like to take this opportunity to object to a section in Raised Senate Bill 890. While the intent of the bill appears to be to foster a public-private venture to facilitate telecommuting, the proposal would create an unnecessary and overly broad exemption to disclosure of public records.

In Section 2 of the bill is the following language which creates a new, mandatory exemption from disclosure for public records: **Private entities submitting data in connection with efforts to develop the high speed Internet deployment strategy pursuant to said section 1 shall only provide such data to the extent and in the format the data are maintained in the normal course of business. Any information designated by the providing entities as confidential or proprietary shall be treated as such and governed by an appropriate nondisclosure agreement. The data submitted by providing entities pursuant to this section shall not be subject to disclosure under chapter 14 of the general statutes.**

This language conflicts with state law, codified in the Freedom of Information Act, which defines all records held or used by a public agency to be public records and disclosable to the public. This language would allow the participating private entities to determine what should or should not be released to the public as opposed to the state agencies involved in this project.

The FOIC feels that there are a series of exemptions to disclosure which are permissive in nature which would apply to the records in question here rendering this objectionable language moot.

The FOIA, in Section 1-210 (b) (5A) and (5B) allows a permissive exemption to public agencies for documents that contain trade secrets as well as documents that contain commercial or financial information given in confidence, not required by statute.

This allows the public agency, in this case the DECD, DPUC and Broadband Internet Coordinating Council, at their discretion, to withhold from public disclosure documents that contain trade secrets or financial information given in confidence.

It appears that the documents contemplated in this proposed bill would contain precisely the type of information described in Section 1-210 (b) (5A) and (5B). Therefore, public agencies already have the ability to withhold the documents in question, making the proposed legislation repetitive and unnecessary if the documents fall under Section 1-210 (b) (5A) and (5B).

The Freedom of Information Commission respectfully submits that this broad exemption is unnecessary and that this portion of the bill be stricken.